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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,)
9 Plaintiff,)
10 v.) 2:12-CR-382-GMN-(VCF)
11 DEMARQUS SMITH,)
12 Defendant.)

13 **PRELIMINARY ORDER OF FORFEITURE**

14 This Court finds that on March 8, 2013, defendant DEMARQUS SMITH pled guilty to Count
15 One of a One-Count Criminal Indictment charging him with Possession of a Firearm by a Convicted
16 Felon in violation of Title 18, United States Code, Sections 922(g)(1). Criminal Indictment, ECF No.
17 1; Change of Plea Minutes, ECF No. 24; Plea Agreement, ECF No. 25.

18 This Court finds defendant DEMARQUS SMITH agreed to the forfeiture of property set forth
19 in the Forfeiture Allegation of the Criminal Indictment and Plea Agreement. Criminal Indictment,
20 ECF No. 1; Change of Plea Minutes, ECF No. 24; Plea Agreement, ECF No. 25.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America
22 has shown the requisite nexus between property set forth in the Forfeiture Allegation of the Criminal
23 Indictment and Plea Agreement and the offense to which defendant DEMARQUS SMITH pled
24 guilty. Criminal Indictment, ECF No. 1; Change of Plea Minutes, ECF No. 24; Plea Agreement, ECF
25 No. 25.

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1 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
2 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 3 1. a H&R .22 caliber revolver, serial number W12190; and
- 4 2. any and all ammunition (“property”).

5 This Court finds the United States of America is now entitled to, and should, reduce the
6 aforementioned property to the possession of the United States of America.

7 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
8 United States of America should seize the aforementioned property.

9 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
10 DEMARQUS SMITH in the aforementioned property is forfeited and is vested in the United States
11 of America and shall be safely held by the United States of America until further order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
13 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
14 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
15 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
16 the name and contact information for the government attorney to be served with the petition,
17 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).


18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
19 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
21 shall be served upon the Asset Forfeiture Attorney of the United States Attorney’s Office at the
22 following address at the time of filing:

23 Michael A. Humphreys
24 Assistant United States Attorney
25 Daniel D. Hollingsworth
26 Assistant United States Attorney
Lloyd D. George United States Courthouse
333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
2 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
3 following publication of notice of seizure and intent to administratively forfeit the above-described
4 property.

5 **DATED** this 14th day of March, 2013.

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9 Gloria M. Navarro
10 United States District Judge
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